

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF DECEMBER 21, 2004.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel)

COMMENCEMENT

(TAPE 1)(SIDE A)(181) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of December 21, 2004 to order.

(TAPE 1)(SIDE A)(182) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and Peter Sias, Boy Scout Troop 158, led the Pledge of Allegiance.

(TAPE 1)(SIDE A)(220) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

a. Bids recommended for award:

<u>ITEM</u>	<u>VENDOR</u>	<u>LUS ITEM</u>	<u>COUNCIL APPROVAL NEEDED</u>	<u>LOW OR RESPONSIVE BID</u>	<u>ESTIMATED AMOUNT</u>
Automotive Lubricants	Magnolia Chemical	N	Y	Low Bidder	\$28,318.59

A motion to approve was offered by Conque, seconded by Mouton, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
ABSTAIN: None
Motion was unanimously approved.

- b. Durel announced that pre-clearance through customs would now be given in Halifax to those traveling from Louisiana to Nova Scotia
- c. AOC Van/Cablecasting Council Meetings – Stanley explained that due to the condition of the AOC van, the van will be left at City Hall, for a temporary period, to allow the cablecasting of the Council meetings. The equipment inside the van will be permanently installed inside the Council Auditorium.

(TAPE 1)(SIDE A)(259) AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**

Williams commended the University of Louisiana at Lafayette and the Alumni Association President for recognizing four (4) individuals for their efforts in 1954 regarding desegregation.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE A)(279) AGENDA ITEM NO. 5: O-278-2004 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 42, Article I and by adding Section 42-2 “Smokefree Air”, motion to adopt by Mouton, seconded by Benjamin.

Bourgeois expressed concern with the fact that numerous amendments to this ordinance were given to the Council just prior to this meeting. He offered a motion, seconded by Conque, to table this ordinance for a briefing on January 11, 2005 to allow questions and public comment.

Mouton urged the Council to support the ordinance and not to table. Benjamin concurred with Mouton.

Upon questioning by Williams, Ottinger stated that his intent was to comply with the requests of multiple Councilmembers, including Williams, to prepare certain amendments. Approximately 9 amendments were submitted to the Council at 2:00 p.m. today. Williams urged an immediate positive vote on the ordinance.

Bourgeois argued that he is in favor of this ordinance but not as it is written. He differed that several Councilmembers did not get a chance to review the amendments before the meeting.

Benjamin called for the question.

The Chair then called for a vote on the motion to table, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Stevenson, Menard

NAYS: Williams, Benjamin, Mouton,

ABSENT: None

ABSTAIN: None

Motion to table was approved.

(TAPE 1)(SIDE A)(483) AGENDA ITEM NO. 6: O-279-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$17,376.00 received from the Louisiana Highway Safety Commission for the purpose of participating in the LHSC statewide fatal and injury crash reduction effort and appropriating within the Lafayette Police Department Patrol Division, motion to adopt by Broussard, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Mouton

ABSTAIN: None

Motion was unanimously approved.

Stanley explained this ordinance allows the receiving of the grant funds within the Police Department and it does not impact Traffic & Transportation other than they support the initiative. These funds will be used for overtime with no administrative fees.

(TAPE 1)(SIDE A)(523) AGENDA ITEM NO. 7: O-282-2004 An ordinance of the Lafayette City-Parish Council declaring the Hanks Road Project a public necessity and authorizing the acquisition of the necessary rights of way and other property rights requisite to the construction of said project, motion to adopt by Broussard, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Menard

NAYS: None

ABSENT: Williams, Conque, Mouton, Stevenson

ABSTAIN: None

Motion was unanimously approved.

Carroll explained that these roads are on the Rural Road Program under the Bond Program. These roads must be declared a public necessity to acquire rights-of-way and in case LCG must expropriate. Williams asked why the roads in O-282-2005, O-283-2005 and O-284-2005 were not all in one ordinance. Stanley stated he would research the question for him and opined that the time to do this would be at the time that the 5-Year CIP is approved. Broussard concurred with Williams.

(TAPE 1)(SIDE A)(713) AGENDA ITEM NO. 8: O-283-2004 An ordinance of the Lafayette City-Parish Council declaring the Monte Road Project a public necessity and authorizing the acquisition of the necessary rights of way and other property rights requisite to the construction of said project, motion to adopt by Broussard, seconded by Badeaux, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Menard
NAYS: None
ABSENT: Williams, Conque, Mouton, Stevenson,
ABSTAIN: None
Motion was unanimously approved.

(TAPE 1)(SIDE A)(732) AGENDA ITEM NO. 9: O-284-2004 An ordinance of the Lafayette City-Parish Council declaring the Curry Road Project a public necessity and authorizing the acquisition of the necessary rights of way and other property rights requisite to the construction of said project, motion to adopt by Bourgeois, seconded by Broussard, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Menard
NAYS: None
ABSENT: Conque, Mouton, Stevenson
ABSTAIN: Williams
Motion was unanimously approved.

(TAPE 1)(SIDE A)(755) AGENDA ITEM NO. 10: O-286-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$30,000 received from the Towns of Broussard and Youngsville in accordance with Ordinance 0-131-2004 to provide additional funding for the construction of a concession/restroom facility at Arceneaux Park, motion to adopt by Benjamin, seconded by Bourgeois, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Menard
NAYS: None
ABSENT: Williams, Mouton, Stevenson,
ABSTAIN: None
Motion was unanimously approved.

(TAPE 1)(SIDE B)(005) AGENDA ITEM NO. 11: O-287-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government authorizing an increase in the expenditures of the Arts & Culture Division in the amount of \$10,271 to provide for an increase in curatorial salaries and related benefits, motion to adopt by Benjamin, seconded by Conque, and the vote was as follows:
YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Menard
NAYS: Badeaux
ABSENT: Mouton, Stevenson
ABSTAIN: None
Motion was approved.

Upon questioning by Conque, Mary Henderson, Museum Administrator, explained that they are now trying to fill the vacant position of Exhibit Curator. The Civil Service Director has given authorization to fill this position with an outstanding candidate and raise the salary offer to mid-point. On an unrelated question by Conque, Henderson stated that one would have to be a member of the American Association of Museums in order to receive a reciprocal membership in other areas.

(TAPE 1)(SIDE B)(057) AGENDA ITEM NO. 12: O-289-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to adjust Court Reporters' salaries for Lafayette's share in accordance with Louisiana R.S. 13:961 by decreasing Parish General Fund Council Reserve by \$14,640.00 and increasing appropriations within the Division of the District Court Judges by \$14,640.00, motion to adopt by Bourgeois, seconded by Broussard, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Menard
NAYS: None
ABSENT: Mouton, Stevenson
ABSTAIN: None
Motion was unanimously approved.

Lalumia explained that this is for 3 court reporters in District Court for the 3-Parish area. The three parishes split the salaries according to assessed valuation and Lafayette's total has gone up

from 69% to 70.3% this year. This includes the 2% raise (calendar year) and an increase in the retirement rate.

(TAPE 1)(SIDE B)(099) AGENDA ITEM NO. 13: O-290-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to transfer the remaining three quarters of the Fire Department budget from Council Reserve, motion to adopt as amended (*amendment being to add to Section 1 “The administration shall implement a policy that limits the exchange of time among eligible firemen, as otherwise funded in the budget for the Fire Department, to ten (10) days per year that shall be paid back not later than the conclusion of the next subsequent pay period*) by Broussard, seconded by Conque.

Broussard offered an amended an amendment stating “*shall be paid back within the same fiscal year*”. Badeaux offered a substitute amendment stating “*shall be paid back not later than the conclusion of the next subsequent pay period*” explaining this method would be easier to keep track of exchange time. The maker and second accepted Badeaux’s amendment and Chief Benoit concurred.

Upon questioning by Conque, Benoit explained that the Fire Department’s exchange time is on a calendar year and not a fiscal year.

Stanley suggested that the Fire Chief be given the power to grant additional exchange time to his employees in case of emergencies over and above the given 10 days. Benoit explained that emergency leave is contained within the Exchange Time policy (Section 83.19).

The Chair then called for a vote on the motion, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard

NAYS: None

ABSENT: Stevenson

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(297) AGENDA ITEM NO. 14: O-291-2004 An ordinance of the Lafayette City-Parish Council authorizing the acquisition of certain land for an expansion of the Acadiana Nature Station Park, motion to adopt by Conque, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard

NAYS: None

ABSENT: Stevenson

ABSTAIN: None

Motion was unanimously approved.

ANNOUNCEMENT OF VACANCY ON BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(307) AGENDA ITEM NO. 15: Due to a term expiration, a vacancy will exist on the Board of Zoning Adjustment for a five year term effective January 5, 2005.

Individuals wishing to volunteer for the above vacancy must be a registered voter and reside within the corporate limits of the City of Lafayette. Resumes are to be forwarded to Norma A. Dugas, Clerk of the Council, P.O. Box 4017-C, Lafayette, LA 70502 no later than noon, Monday, January 3 with Council appointment to be made on January 4, 2005.

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 1)(SIDE B)(320) AGENDA ITEM NO. 16: Appointment of Marcus Allen to the Heymann Performing Arts & Convention Center Commission for a four year term effective December 17, 2004 (must reside outside the corporate limits of the City of Lafayette).

A motion was offered by Benjamin, seconded by Broussard, to appoint Marcus Allen to the Heymann Performing Arts & Convention Center Commission, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard

NAYS: None

ABSENT: Stevenson

ABSTAIN: None

Motion was unanimously approved.

(TAPE 1)(SIDE B)(336) AGENDA ITEM NO. 17: Appointment of Susan Hamilton to the Lafayette Parish Library Board of Control for a five year term effective December 31, 2004.

A motion was offered by Conque, seconded by Mouton to appoint Susan Hamilton to the Lafayette Parish Library Board of Control, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard
NAYS: None
ABSENT: Stevenson
ABSTAIN: None
Motion was unanimously approved.

(TAPE 1)(SIDE B)(349) AGENDA ITEM NO. 18: Appointment of Mark Moreau to the Cajundome Commission for a four year term effective September 5, 2004.

A motion was offered by Broussard, seconded by Mouton to appoint Mark Moreau to the Cajundome Commission, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard
NAYS: None
ABSENT: Stevenson
ABSTAIN: None
Motion was unanimously approved.

(TAPE 1)(SIDE B)(370) AGENDA ITEM NO. 19: Appointment(s) by Council member(s) and/or City-Parish President and/or Area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name And Address</u>	<u>Board, Commission And/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
District 5	Nolan “Crip” Guidry 509 Golden Grain Duson, LA 70529	Board of Codes & Flood Plains Adjustment	4 years	12/31/2004
District 2	Mary Courville 324 N. Wilderness Tr. Carencro, LA 70520	Lafayette Natural History Museum	4 years	8/6/2004
District 7	David Allen 221 Crooked Creek St. Lafayette, LA 70507	Lafayette Advisory Commission on Crime Prevention	to fill an unexpired term of 4 months and a subsequent 4-year term	12/21/2004

INTRODUCTORY ORDINANCES

(TAPE 1)(SIDE B)(383) AGENDA ITEM NO. 20 - 30: A motion was offered by Broussard, seconded by Conque, to approve the introduction of the following ordinances, in-globo, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Menard
NAYS: None
ABSENT: Benjamin, Stevenson
ABSTAIN: None
Motion was unanimously approved.

- 20. O-292-2004 An ordinance of the Lafayette City-Parish Council approving the appointment of Gary J. Newell of Thompson Coburn LLP as special counsel, and authorizing the execution of a contract with special counsel. (Dee Stanley & Legal)
- 21. O-293-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$87,176 from various completed projects to Reserve – Project Contingencies - Streets. (Dee Stanley & Public Works)
- 22. O-294-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$20,000 from Reserve to Pinhook Road (DOTD Streetlight Relocation) Project within the Department of Public Works for additional funding needed. (Dee Stanley & Public Works)

23. O-295-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$200,000 from Reserve – Streets to the Roads – New Construction - Phase I-A Project within the Department of Public Works for additional funding needed. (Dee Stanley & Public Works)
24. O-296-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$84,578 from Stone Avenue Outfall and W. Farrell Road Outfall Improvement Projects to Reserve - Drainage. (Dee Stanley & Public Works)
25. O-297-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to recognize credit counselor fees in the amount of \$1,576.00 from LPFA Housing Assistance Corporation/Vision Financial Services and assigning the funds received to the proper budgetary accounts within the Department of Community Development. (Dee Stanley & Community Development)
26. O-298-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the transfer of funds within the Community Development Department from Personnel Salaries to the Contingency – Reserve account in order to close out completed CDBG Projects. (Dee Stanley & Community Development)
27. O-299-2004 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase of revenues in the amount of \$130,917 from Emergency Shelter Grant Funds received from the U.S. Department of Housing and Urban Development and appropriating within the Department of Community Development. (Dee Stanley & Community Development)
28. O-300-2004 An ordinance of the Lafayette City-Parish Council declaring the building or structure located at municipal address 302 Pershing Avenue, Lafayette, Louisiana, owned by Hubert Bruno, Sr. and Peggy Celestine Bruno, to be dilapidated and dangerous to the public welfare and ordering the condemnation of same. (Dee Stanley & Community Development)
29. O-301-2004 An ordinance of the Lafayette City-Parish Council declaring the building or structure located at municipal address 205 Debaillon Street, Lafayette, Louisiana, owned by Edna Harris Williams, c/o Gerald J. Block, attorney appointed, to be dilapidated and dangerous to the public welfare and ordering the condemnation of same. (Dee Stanley & Community Development)
30. O-302-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a sewer easement and the granting of an electric and utility easement on Lot 13 of L’Ambiance Villa, having a municipal address of 140 L’Ambiance Circle. (Dee Stanley & Planning, Zoning & Codes)

(TAPE 1)(SIDE B)(463) AGENDA ITEM NO. 31: Comments from the public concerning the above Introductory Ordinances.

No comments.

ADJOURN

(TAPE 1)(SIDE B)(474) There being no further business to come before the Council, Chair

Menard declared the Regular Council Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL